

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - AT DAYTON**

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|---------------------------|---|---|
| GREGORY GILREATH | : | CASE NO. C-3-03-118 |
| Plaintiff | : | JUDGE THOMAS M. ROSE |
| | : | CHIEF MAGISTRATE JUDGE |
| | : | MICHAEL R. MERZ |
| -VS- | : | |
| | : | |
| CLEMENS & COMPANY, et al. | : | <u>AGREED ORDER DISMISSING</u> |
| | : | <u>DEFENDANT DONNELL, INC.</u> |
| Defendants. | : | <u>AND CLEMENS & COMPANY'S</u> |
| | : | <u>COUNTERCLAIMS AND</u> |
| | : | <u>TERMINATING CASE</u> |

Pursuant to Federal Rule of Civil Procedure 41(C) and Local Rule 7.3 and with the consent of Plaintiff Gregory Gilreath and Defendants Donnell, Inc. and Clemens & Company, it is hereby ORDERED that the Defendants' remaining counterclaims and all claims raised therein are hereby DISMISSED.

Also, the Court finds that the claims dismissed herein were the only claims remaining to be adjudicated. Therefore, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

IT IS SO ORDERED THIS NINETEENTH DAY OF AUGUST, 2005.

s/Thomas M. Rose

Thomas M. Rose
UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Robert T. Dunlevey, Jr.
Robert T. Dunlevey, Jr. (#0011154)
Stephen A. Watring (0007761)
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Attorneys for Defendant

/s/ Patrick J. Conboy II
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August ____, 2005, the foregoing Agreed Order was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Patrick J. Conboy II and John R. Doll.

/s/ Robert T. Dunlevey, Jr.

Robert T. Dunlevey, Jr. (#0011154)